1 DANIEL G. BOGDEN United States Attorney 2 KIMBERLY M. FRAYN Assistant United States Attorney 3 333 Las Vegas Blvd. South, Suite 5000 Las Vegas, Nevada 89101 4 PHONE: (702) 388-6336 FAX: (702) 388-6418 5 UNITED STATES DISTRICT COURT 6 DISTRICT OF NEVADA 7 -oOo-8 UNITED STATES OF AMERICA, 2:15-mj-01103-CWH 9 Plaintiff, Stipulation to Continue the 10 **Preminary Hearing** vs. 11 First Request JOHN DOE, aka 12 PEDRO MONTELONGO aka HORACIO ACEVEDO VALDIVIA, 13 14 Defendant. 15 IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. 16 BOGDEN, United States Attorney, and KIMBERLY M. FRAYN, Assistant United 17 States Attorney, counsel for the United States of America, and ROBERT M. 18 DRASKOVICH, ESQ., counsel for defendant JOHN DOE that the preliminary hearing 19 date in the above-captioned matter, currently scheduled for December 30, 2015, at 4:00 20 21 pm, be vacated and continued for sixty (60) days, to a date and time to be set by this 22 Honorable Court. 23 This stipulation is entered into for the following reasons: 24 The parties request a continuance of the preliminary hearing so they may 1.

1	engage in pre-indictment plea negotiations, which may eliminate the need for a		
2	preliminary hearing or an indictment.		
3	2.	The parties agree to the continuance.	
4	3.	The defendant is incarcerated and bu	t does not object to the continuance.
5	4.	Additionally, denial of this request fo	r continuance could result in a
6	miscarriage of justice.		
7	5.	The additional time requested herein	is not sought for purposes of delay,
8	but to for a possible pre-indictment resolution of the case.		
9	6.	The additional time requested by this	s stipulation, is allowed, with the
10	defendant's consent under the Federal Rules of Procedure 5.1(d).		
11 12	7.	This is the first request for a continua	ation of the preliminary hearing.
13	DAT	ED this 23 rd day of December, 2015.	
14			
15 16			Respectfully submitted, DANIEL G. BOGDEN
17			United States Attorney
18		//s//	
19		I. DRASKOVICH, ESQ. Defendant JOHN DOE	KIMBERLY M. FRAYN Assistant United States Attorney
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1 2 UNITED STATES DISTRICT COURT 3 DISTRICT OF NEVADA 4 -oOo-5 UNITED STATES OF AMERICA. 3:15-mj-01103-CWH 6 Plaintiff, **ORDER** 7 vs. 8 JOHN DOE, aka PEDRO MONTELONGO aka 9 HORACIO ACEVEDO VALDIVIA, 10 11 Defendant. 12 **ORDER** 13 Based on the pending Stipulation of counsel, and good cause appearing 14 therefore, the Court finds that: 15 That the parties seek to continue the preliminary hearing in order to 1. 16 engage in pre-indictment plea negotiations, which may eliminate the need for a 17 preliminary hearing or an indictment. 18 2. That the parties agree to the continuance. 19 That the defendant is incarcerated but does not object to the continuance. 3. 20 21 Additionally, that denial of this request for continuance could result in a 4. 22 miscarriage of justice. 23 5. That the additional time requested herein is not sought for purposes of 24

delay, but to allow for a possible pre-indictment resolution of the case.

1	6. That the additional time requested by this stipulation, is allowed, with		
2	the defendant's consent under the Federal Rules of Procedure 5.1(d).		
3	7. This is the first request to continue the preliminary hearing date filed		
4	herein.		
5	For all of the above-stated reasons, the ends of justice would best be served by a		
6	continuance of the preliminary hearing date.		
7	CONCLUSIONS OF LAW		
8	The ends of justice served by granting said continuance outweigh the best		
9	interest of the public and the defendant, since the failure to grant said continuance		
10	would be likely to result in a miscarriage of justice, would deny the parties herein to		
11	potential resolve the case prior to indictment, and further would deny the parties		
12	sufficient time and the opportunity within which to be able to effectively and		
13	thoroughly prepare for the preliminary hearing, and possibly resolve the case prior to		
14 15	the preliminary hearing, taking into account the exercise of due diligence.		
16	The continuance sought herein is allowed, with the defendant's consent,		
17	pursuant to Federal Rules of Procedure 5.1(d).		
18	ORDER		
	IT IS THEREFORE ORDERED that the preliminary hearing currently		
19	scheduled for December 30, 2015, at the hour of 4:00 pm, be vacated and continued to		
20 21	March 7, 2016 at the hour of 4:00 p.m.		
22	DAMED 23rd 1 CD 1 2017		
23	DATED 23rd day of December, 2015.		
23	THE HONORABLE CARL W. HOFFMAN		
- ⊤	UNITED STATES MÅGISTRATE JUDGE		